

Present: Chairman Steve Garvin, John Hincks, Charlie Karustis (arrived approximately 7:55 p.m.), Nancy Kilcoyne, Meagen Donoghue (Director of Planning and Community Development), and Beth Suedmeyer (Environmental Planner)

Absent: Peter Abair

At 7:40 p.m., Chairman Garvin called the meeting to order.

Public Hearing – Stormwater Management Permit – 70 Indian Ridge Road - (Assessor’s Map J09-0312)

At 7:40 p.m., Chairman Garvin opened a Public Hearing regarding a Stormwater Management Permit application submitted by Gary Bennos, Owner and Applicant, to construct a single family dwelling and associated improvements which will disturb approximately 17,500 sq. ft. of land on slopes greater than 10% with a total impervious area of 2,841 sq. ft. on a 48,958 sq. ft. parcel located at 70 Indian Ridge Road (Assessor’s Map J09-0312). Copies of an email from the applicant dated December 6, 2017, requesting for the Hearing to be continued to January 10, 2018 were distributed tonight.

On motion duly made and seconded, it was also unanimously:

VOTED: To immediately continue the Public Hearing regarding a Stormwater Management Permit application submitted by Gary Bennos, Owner and Applicant, to construct a single family dwelling and associated improvements which will disturb approximately 17,500 sq. ft. of land on slopes greater than 10% with a total impervious area of 2,841 sq. ft. on a 48,958 sq. ft. parcel located at 70 Indian Ridge Road (Assessor’s Map J09-0312), to January 10, 2018.

Preliminary Subdivision Application – 212 Pratt’s Mill Road (Assessor’s Map G05-0022)

Present: Applicant Karl Borg and the applicant’s attorney Joshua Fox

At 7:40 p.m., Chairman Garvin announced the discussion regarding a preliminary subdivision application regarding 212 Pratt’s Mill Road (Assessor’s Map G05-0022) would be delayed until one Board member arrives slightly late to achieve a quorum. The Board was previously in receipt of copies of an email from Sudbury Water District (SWD) Interim Superintendent Al Renzi dated October 23, 2017, an email from Conservation Coordinator Debbie Dineen dated October 17, 2017, a “Stormwater Report In Support of Two Lot Residential Subdivision 212 Pratts Mill Road, Sudbury, MA” prepared by Hancock Associates and accompanying plans received by the Town Clerk on November 2, 2017.

Marijuana Bylaw - Discussion

At 7:41 p.m., Chairman Garvin opened a discussion regarding a proposed Marijuana Bylaw. The Board was previously in receipt of copies of a memorandum from Town Manager Rodrigues dated December 4, 2017. In addition, copies of a memorandum from Police Chief Nix to Ms. Donoghue dated December 12, 2017 were distributed tonight.

Ms. Donoghue referenced the Town Manager's memorandum, which outlines a possible change to the zoning bylaw. She further stated the Town Manager would like to know if the Board has a preference for an outright ban for recreational marijuana or a zoning change which would restrict the location for retail establishments in Town. Ms. Donoghue stated the Town Manager includes in her memo language from Town Counsel for the Town to opt-out. Ms. Donoghue also stated the Town voted "No" on last year's State recreational marijuana ballot question, and thus only a bylaw change will be needed by the Town.

Chairman Garvin referenced the Police Chief's memorandum, which recommends opting out of allowing recreational marijuana retail centers in Sudbury, and he asked Mr. Hincks to read the memo aloud for the record.

A brief discussion ensued regarding whether the Town should opt out of recreational marijuana activities completely.

Ms. Kilcoyne asked how easy it would be for the Town to opt-in at a later time, if it were to decide to opt out now. Ms. Donoghue stated there would need to be a Town Meeting vote to opt-in. She also stated all zoning bylaw changes need to have a Public Hearing and be presented for a vote at a Town Meeting.

Mr. Hincks stated this topic was discussed at a recent Board of Selectmen's Meeting and he found the discussion a bit confusing. He believes it would be helpful to clarify that discussions regarding changes to the bylaw relate only to the retail distribution of recreational marijuana, noting citizens are still allowed by law to personally use recreational marijuana. Mr. Hincks read aloud the opt-out language provided by Town Counsel.

Chairman Garvin stated that, if the Town decides to create a bylaw to restrict recreational marijuana retail facilities, a May 2018 Town Meeting Warrant article will need to be drafted.

Given that Sudbury voted "No" in last year's State Election, and given the opinions shared tonight from Town Counsel and the Police Chief, Mr. Hincks stated he would support a bylaw to opt out.

Ms. Kilcoyne stated she would have concerns regarding insurance and liability issues, and she stated her preference would also be for the Town to opt-out.

Given all the information he has reviewed, Chairman Garvin stated he would be in favor of the Planning Board supporting a bylaw to opt out of recreational marijuana retail centers in Sudbury. He further stated he would also solicit feedback from Mr. Karustis and Mr. Abair.

Underground Utilities - Presentation Discussion

At 7:50 p.m., Chairman Garvin asked Ms. Donoghue to provide the Board with an update of her Underground Utilities presentation she has been preparing for the Board of Selectmen. He explained Ms. Donoghue provided the Board with a preliminary presentation a few months ago.

Ms. Donoghue stated there has not yet been a date set for her presentation to the Selectmen, and she welcomed comments or suggestions from the Board regarding tonight's information. Chairman Garvin requested the Board be sent electronic copies of Ms. Donoghue's Power Point slide presentation for tonight entitled, "Sudbury Undergrounding."

Ms. Donoghue stated she will note at the beginning of her presentation that undergrounding will be an ongoing discussion with the Planning Board. She displayed a slide which referenced the 2016 Special Town Meeting Petition Article requesting that preliminary consideration and study be done by the Planning Board for a program to prohibit new installation or construction of, or requiring progressive removal of poles and overhead wires and associated overhead structures within parts of Sudbury. Ms. Donoghue stated she revised the presentation scope to cover costs at the beginning and she included three case studies from other communities. She highlighted a statement she added to the presentation regarding the range of costs for overhead and underground transmission lines.

Chairman Garvin stated the cost ranges for the overhead and underground transmission lines is consistent with what he has previously seen.

Ms. Donoghue stated she reached out to other towns for cost benefit analysis information and she only heard back from Bedford, Concord and Wellesley. She stated it has been difficult to find data regarding the reliability of overhead and underground transmission lines.

Chairman Garvin stated the aesthetics of underground wires versus wires overhead is a huge issue for most people. Mr. Hincks concurred, but he noted people's perceptions of the benefits are subjective. Chairman Garvin asked for the cost benefit analysis slide to remain in the presentation.

Ms. Donoghue stated she has included a slide regarding how to pay for this work. She stated she has learned that, in some instances, both the utility companies and the Towns have assessed surcharges. Ms. Donoghue stated Concord has collected \$420,000 each year to put towards costs.

Mr. Hincks noted that given the cost projections, it would take Concord four to five years to bury about a mile of wires. He believes it would be helpful for citizens to have this perspective to better understand this type of project does not happen overnight. Chairman Garvin requested for this type of information and examples to be included in the presentation. Mr. Hincks also suggested including a frame of reference regarding how many miles of overhead lines there are in Sudbury and possibly prioritizing certain areas.

Chairman Garvin stated it might be possible to cover costs for Route 20 with a 20-year bond.

Ms. Donoghue noted Concord began collecting money in 1967 and it has only 50% of its lines buried. Mr. Hincks suggested, and the Board concurred, that this information be added to the presentation. Although underground wires are more aesthetically pleasing, he stated people will need to decide if burying wires is financially feasible.

Ms. Donoghue stated she added the example of the Town Center as a local example of the advantages of undergrounding. She also included information from Concord, Nantucket and Holden, all of which have underground utility systems. Ms. Donoghue highlighted Holden is interesting because it was working on a MassDOT-owned road, which could be considered as similar to what a project on Route 20 would be like.

Chairman Garvin stated it would be good to include in the presentation some idea about the scale of such projects. He suggested including the mileage between Landham Road and Meadow Walk to give people a benchmark for costs.

Mr. Karustis stated factoring costs might also include determining how many overhead lines are located on each pole, noting a mile of burying wires on Route 20 might cost more than a mile somewhere else in Town because there are more wires on the Route 20 poles. This might help people set priorities for where in Town undergrounding might best be accomplished.

Mr. Hincks stated it will come down to people deciding whether they want to spend millions of dollars burying lines or on other priorities.

Ms. Donoghue stated Bedford told her they had 2,200 feet of wires buried for free by Verizon. Chairman Garvin stated it would be interesting to know if Bedford already had underground ducts in place and all that was needed was to simply pull the wires. During

permitting phases, Mr. Karustis stated the Town might want to consider asking developers to install the underground ducts under roads for future use.

Ms. Donoghue reviewed a slide explaining what the current zoning is for utilities. She also summarized the order of requests to be pursued when working with the Massachusetts Department of Transportation (MA DOT), the Town requests the project to the utility companies, followed by the utility companies request to the MA DOT for the work to be completed. Then MA DOT would determine if the project were viable. She noted the Town of Holden worked with MA DOT when it was also widening its Main Street (a MA DOT road).

Chairman Garvin stated it would be interesting to know whether the Town could work with MA DOT as it works on the Landham Road intersection.

Ms. Donoghue stated undergrounding could possibly be a priority in the updated Master Plan.

Mr. Hincks suggested for Board members to continue to think about this issue and to provide additional feedback to Ms. Donoghue.

Preliminary Subdivision Application – 212 Pratt’s Mill Road (Assessor’s Map G05-0022)

Present: Applicant Karl Borg and the applicant’s attorney Joshua Fox

At 8:10 p.m., Chairman Garvin opened the discussion regarding a preliminary subdivision application regarding 212 Pratt’s Mill Road (Assessor’s Map G05-0022), which was delayed from earlier tonight.

The applicant’s attorney Joshua Fox stated the applicant’s team has appreciated the progress made with the Board during its two previous discussions. Mr. Fox stated they were asked to think more about public benefits. He further stated the applicant has reviewed project finances, and he has decided to increase his contribution to the Town’s Walkway Fund from \$13,000 to \$30,000.

Chairman Garvin stated the increased contribution is appreciated. Mr. Karustis concurred, stating he is satisfied with this amount.

Mr. Hincks stated he visited the property area and he does not think a second home would be disruptive to the area. He also believes the increased contribution provides sufficient public benefits to justify the requested waivers. Mr. Hincks stated he is comfortable with the preliminary plan.

Ms. Kilcoyne stated she appreciates the increase of money to the Walkway Fund.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the preliminary subdivision application regarding 212 Pratt's Mill Road (Assessor's Map G05-0022), as discussed tonight.

Northridge Drive Farm – Anthony Drive - Request for Subdivision Extension

Approval

Present: Applicant's representative Jason Fenton

At 8:15 p.m., Chairman Garvin opened a discussion regarding the request for approval of an extension to the Definitive Subdivision Decision for Northridge Drive Farm on Anthony Drive. The Board was previously in receipt of copies of a letter from Distinctive Acton Homes, Inc. President James Fenton dated November 29, 2017.

Chairman Garvin stated the applicant has provided a letter requesting a one-year extension to complete the terms of the Definitive Subdivision Decision for North Ridge Farm. He asked if Town Counsel has opined on the Board's authority to extend terms which have expired.

Ms. Suedmeyer stated Town Counsel stated an extension request should typically be submitted prior to a Permit's expiration, however, Town Counsel stated she would like to further review the covenant language.

Ms. Donoghue read aloud a relevant section of the covenant issued June 26, 2014 which stated work needed to be completed in two years.

Mr. Karustis asked what the schedule is for completion and if construction will continue through the winter. The applicant's representative Jason Fenton provided a brief update, stating there are two lots remaining, but a lot of infrastructure and other work has been done on these lots. He also stated four of the six lots are occupied. Mr. Fenton stated he is not sure about the work schedule for the winter.

Mr. Hincks stated he believes it makes sense to approve an extension.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the request for an extension to the Definitive Subdivision Decision for Northridge Drive Farm on Anthony Drive, subject to Town Counsel confirming that the Planning Board has the authority to do so.

Melone Property – Future Use – Discussion

Present: Board of Selectman Chairman Bob Haarde

At 8:22 p.m., Chairman Garvin opened a discussion regarding the future use of the Melone property. He stated some Board members participated in the Melone Charrette and this topic was discussed at a recent Selectmen's Meeting, wherein that Board asked for input from the Planning Board.

Ms. Donoghue stated she distributed copies of the final "Envision Melone: Shaping Melone's Future Together Final Report" dated November 16, 2017 at the Board's last Meeting.

Chairman Garvin stated he is aware that some environmental testing of the site has commenced regarding potential contamination. He also stated the Town would likely be looking at zoning changes because uses are currently restricted by zoning as part of a research district. Thus, the Planning Board might want to consider whether an overlay district should be created.

Mr. Karustis stated a lot of good feedback regarding possible uses was received from the Charrette and online-survey. However, he stated he is uncertain about whether there are time constraints for doing anything with the site. Mr. Karustis stated he believes the property needs to be reviewed holistically through a planning and development process. He noted the Town is about to embark on a comprehensive update to its Master Plan, and he thinks best uses for Melone could evolve as part of the Master Plan process. Mr. Karustis stated it is not clear to him as to what the urgency is to do something with the property at this time.

Mr. Hincks stated he agreed generally with some things noted by Mr. Karustis. However, he further stated he wonders if, at the conclusion of the Master Plan process, the same list will have been created as was developed at the Charrette. He believes the Town needs input regarding viable business plans for the property.

Mr. Karustis stated he believes the Master Plan process, if done well, will be an opportunity to sort through potential uses and needs the community has.

Mr. Hincks stated there is a balance needed regarding this issue between what the Town might want and what is viable.

Ms. Kilcoyne stated it is unusual to create an overlay district before there is a defined use. She stated this approach seems odd, noting she believes the type of use needs to be determined first.

Chairman Garvin referenced an idea mentioned at a recent Selectmen's Meeting, regarding possibly using some of the Town's Melone land which is in Concord for recreation, noting studies could show what is possible. He stated the environmental testing information will be important to consider.

At 8:29 p.m., Chairman Garvin welcomed Board of Selectman Chairman Bob Haarde to the Meeting.

Mr. Haarde stated the Melone Charrette and online survey produced a lot of good ideas, but most do not conform to the current zoning. He stated Ms. Donoghue's final Melone Report recommended possibly creating an overlay district because a lot of commercial uses are not currently allowed in the research district. Mr. Haarde stated the Planning Board could possibly consider what types of overlay districts would make sense in this location. He believes it would be helpful for the Town to think about what it wants at this site and then create an overlay district for that purpose. Mr. Haarde stated the use of the Melone property has been discussed for a long time, and a lot of ideas have been generated, but the issue is always how and who will pay for them. He noted a new Fire Station for public safety was recently defeated at the polls, so it is likely voters do not have an appetite to approve just anything at this site. He mentioned using the Town's Melone land which is in Concord for fields/recreation, emphasizing this land would not be used for commercial or housing purposes because Sudbury would not be able to receive the tax revenue or credit for its housing inventory. Mr. Haarde also mentioned possibly selling this portion of land and using the money to help develop the rest of the property.

Mr. Hincks suggested it might be helpful for the Town to do scenario planning for five possible major events in Town to determine how potential uses for the Melone property might be impacted by these situations.

Mr. Karustis stated he believes Mr. Hinck's suggestion leads to his earlier recommendation to consider the future use of Melone as part of the comprehensive Master Plan process, which will be looking at the entire Town regarding what Sudbury already has and what opportunities might exist.

Chairman Garvin stated the timing of the Master Plan process might be a factor. He referenced the Meadow Walk project, where Town groups worked to develop a clear letter to Raytheon regarding what it hoped to see on the property in order to attract friendly developers. Chairman Garvin stated the Raytheon site was primarily impervious with its own treatment facility and he views that property on Route 20 as very different from Melone which is located on Route 117 from a retail perspective.

Ms. Kilcoyne asked about the timing to decide about the future of Melone and whether it could wait to be decided until after the Master Plan process is completed. Mr. Haarde stated the Town could wait because it owns the property, however, he believes there is a need for more fields in Town. He noted fields were mentioned by the Town's Development Agreement Committee to the Meadow Walk developers, but, the developers had no interest in fields. Mr. Haarde also stated the Town could take a phased approach to the Melone property, noting funding can be problematic.

Mr. Hincks noted that any use of Melone would likely require a zoning change.

Mr. Karustis stated he would be hesitant to begin to carve up the property for a few fields because it is usually best to let the developer decide on their preferred plan. He also stated the Town is not yet certain that fields are the best use for this land.

Chairman Garvin noted the Town owns this property and it did not own the Raytheon property. He also noted there might be some potential for funding working with Concord.

Ms. Kilcoyne asked if access to the property would be from Route 117, and Mr. Haarde responded affirmatively.

Chairman Garvin asked what the timeframe is for receiving feedback from the Planning Board. Mr. Haarde stated sometime in January would be helpful.

Mr. Haarde stated making a decision on the use of Melone is a big and important decision for the Town.

Chairman Garvin stated he might pause when considering using a portion of the land in Concord for fields because a developer might have a more valuable plan for the entire property.

Mr. Haarde referenced a previous study done in 2012 on the property. Chairman Garvin stated the Planning Board would be interested in reviewing the 2012 study and the new environmental information being generated. Mr. Haarde stated there is also a study done in 2000 on the property, the Gale Study done for Park and Recreation and a 2017 recent landscape study. Ms. Donoghue stated all of these studies are available on the Town website.

Regarding Melone, Chairman Garvin asked what the Selectmen would want from the Planning Board going forward. Mr. Haarde stated they would look to the Planning Board for some strategic forward-thinking ideas for the current research district and for what overlay zoning district might be appropriate. Chairman Garvin suggested the Board could possibly approach it similarly to how Meadow Walk's overlay district was done. Ms. Kilcoyne stated the developer could be asked to come up with a master plan as part of creating the overlay district.

Mr. Haarde stated he believes it would be good to deal first with the zoning. He also suggested the Town could put out potential uses to see what the response from the market would be.

Chairman Garvin reiterated the letter from Town groups which was sent to Raytheon regarding the Town's vision for the property was extremely helpful to the process.

Ms. Kilcoyne asked if there has been a traffic study done regarding the Melone property. Mr. Haarde stated he does not think there has been a recent traffic study done. Ms. Suedmeyer stated she could provide the 2017 traffic study data for the BFRT crossing of North Road/Route 117, as it would inform the Melone project.

At 8:52 p.m., Chairman Garvin closed the discussion.

Master Planning Process – Discussion

At 8:52 p.m., Chairman Garvin opened a discussion regarding the Master Plan update process. Copies of relevant information and communications received by Ms. Donoghue from Boxborough dated December 6, 2017, Littleton dated December 7, 2017 and Dracut dated December 6, 2017 were distributed tonight.

Ms. Donoghue stated she reached out to many communities regarding Master Plan process information, but, she only received responses from Littleton, Dracut and Boxborough. She highlighted Littleton contracted with a consultant for \$154,000, the process took approximately two and a half years due to needed learning time and they issued a Request for Proposal (RFP). Ms. Donoghue stated Boxborough worked with a Metropolitan Area Planning Council (MAPC) consultant, and thus, a RFP was not needed. Boxborough appropriated \$75,000 from Town Meeting and a DLT A \$25,000 grant was obtained by MAPC. She also stated Dracut worked with a local planning agency and no RFP was required, received a DLT A grant and also used Community Preservation Act (CPA) funds for its process, which is expected to take between approximately 18-24 months. Ms. Donoghue stated she had previously been informed by the Community Preservation Coalition that CPA funds could not be used for a Master Plan.

Mr. Karustis noted the range of costs seem to be between \$150,000 and \$250,000, noting \$250,000 seems high.

Ms. Donoghue stated she hopes to have more information for the Board by the end of this month.

Chairman Garvin also asked Ms. Donoghue to reach out to The Sudbury Foundation. The consensus of the Board was that Sudbury is currently financially challenged to complete a Master Plan process.

Ms. Donoghue also stated she has reached out to Concord, but she has not heard from anyone yet.

Ms. Suedmeyer stated she believes Concord has engaged with MAPC for its process.

Bruce Freeman Rail Trail Task Force Committee – Appoint Planning Board Member

Ms. Suedmeyer stated the Board needs to appoint a member to the Bruce Freeman Rail Trail Task Force. She noted the project is proceeding to the 75% design phase and it is anticipated that future meetings will be held sporadically.

On motion duly made and seconded, it was unanimously

VOTED: To appoint Charlie Karustis as the Planning Board's representative on the Bruce Freeman Rail Trail Task Force.

Board Reorganization

At 9:06 p.m., Chairman Garvin stated former member Chris Morely had served as the Board's Clerk. Given Mr. Morely's recent resignation, Chairman Garvin explained the Board needs to appoint a new Clerk.

On motion duly made and seconded, it was unanimously:

VOTED: To appoint John Hincks as the Planning Board's Clerk.

Administrative Report

Ms. Donoghue stated the Board is still seeking candidates for the open Associate Member position. The position has been posted with a January deadline to submit applications. Chairman Garvin stated this is a busy time of year. He suggested keeping the application period open, and, if necessary, the Board may choose to extend the deadline at a later time.

Mr. Hincks suggested sending an email to those who attended the Melone Charrette letting them know there is an open Board position.

Ms. Suedmeyer stated the Town is currently drafting its comment letter for the 75%-100% design of the Landham Road intersection. She asked if the Board wished to include any comments regarding undergrounding of wires. Chairman Garvin suggested including a comment requesting whether ducts could be installed for future underground wires. Ms. Suedmeyer stated she would discuss this suggestion with the Town Manager.

Ms. Donoghue announced Recording Secretary Ellen Bicoules has resigned and tonight is her last Meeting. Chairman Garvin and the Board expressed their gratitude to Ellen for her service to Sudbury and wished her well in her future endeavors.

Planning Board Meeting Schedule

The next meetings are scheduled for January 10 and January 24, 2018.

Executive Session

At 9:20 p.m., Chairman Garvin and Ms. Suedmeyer stated Town Counsel has advised the Board to enter into Executive Session to discuss options for enforcement of Town Bylaw violations.

Chairman Garvin asked if the Board could be provided with copies of the relevant regulations. Ms. Suedmeyer stated copies were distributed at a previous meeting and are not available tonight. She noted that, in her discussions with Town Counsel, Town Counsel suggested the Board should review and revise its fee structure regarding fines assessed.

Chairman Garvin asked if the Board should enter Executive Session tonight, given Mr. Abair is absent.

Mr. Karustis asked if the Town has received any communications from the relevant parties. Ms. Donoghue stated phone calls from the abutter have been received, but nothing has been received from the other party.

On motion duly made and seconded, it was on roll call unanimously:

VOTED: To enter into Executive Session to discuss strategy with respect to potential litigation where an open meeting may have a detrimental effect on the litigating position of the public body and the Chairman so declares regarding 648 Boston Post Road, and not to return to Open Session, Charlie Karustis, aye, John Hincks, aye, Nancy Kilcoyne, aye, and Chairman Steve Garvin, aye.

There being no further business, the meeting adjourned at 9:21 p.m.